

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BIRGITTA WASELL,

Plaintiff,

vs.

DARRELL SELLERS,

Defendant.

CIVIL CASE NO. 11-CV-363 MMA (RBB)

**ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS;**

[Doc. No. 2]

**DENYING AS MOOT REQUEST
FOR APPOINTMENT OF
COUNSEL;**

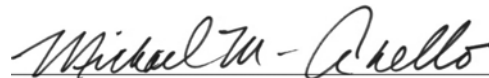
[Doc. No. 3]

**DISMISSING COMPLAINT WITH
PREJUDICE**

Plaintiff Birgitta Wasell, proceeding *pro se*, has filed a complaint [Doc. No. 1], along with a Motion to Proceed in Forma Pauperis (“IFP”) [Doc. No. 2] and a Request for Appointment Counsel [Doc. No. 3]. Based on the information provided by Plaintiff, pursuant to 28 U.S.C. § 1915(a), the Court **GRANTS** Plaintiff’s IFP motion, solely for the purpose of the motions currently before the Court. The Court is obligated to review a complaint filed IFP *sua sponte* and must dismiss the action if it determines that the complaint is frivolous, malicious, or fails to state a claim for relief. *See* 28 U.S.C. § 1915(e)(2). After careful review, the Court finds that Plaintiff’s complaint is frivolous and void of any plausible claims for relief. Because “it is absolutely clear that the deficiencies of the complaint could not be cured by amendment,” the Court **DISMISSES** the complaint **with prejudice**. *Franklin v. Murphy*, 245 F.2d 1221, 1228 n.9 (9th Cir. 1984). As such, the Court **DENIES AS MOOT** Plaintiff’s Request for Appointment of Counsel.

IT IS SO ORDERED.

DATED: March 4, 2011



Hon. Michael M. Anello
United States District Judge